

STATE OF MICHIGAN DEPARTMENT OF STATE POLICE

DATE: January 23, 2006
TO: All Court Administrators
FROM: Diane Sandborn, Court Interface Analyst
Criminal Justice Information Center
SUBJECT: Disposition Reporting Issues

In an effort to facilitate the automation of criminal history reporting, the Criminal Justice Information Center (CJIC) implemented the new Criminal History Record (CHR) System on November 16, 2006. At this time CJIC staff is busy working with the CHR vendor on some of the "unexpected occurrences". Once this phase is completed, CJIC staff and the vendor will begin to work on enhancements to the system, including those associated with changes in legislation.

Attached is information regarding frequent disposition issues that courts have encountered in the past. Hopefully, this information will help clear up any concerns the court may be having.

If you have questions regarding disposition reporting, please feel free to contact me at (517) 636-0121 or by e-mail at sandbord@michigan.gov.

Court Disposition Issues

Fingerprints

Before a defendant appears in court, a CCH should be conducted to insure that the arrest fingerprints have been taken. If the arrest segment is not in CCH, the court will need to do an [Order for Fingerprints](#).

-The dispositions of low court misdemeanor and ordinance violations should be submitted by using the TCN/OCA number assigned by the Livescan agency.

Personal Protection Orders (PPO)

If a defendant is convicted of violating a PPO, fingerprints need to be taken for the conviction to appear on CCH. The disposition should be submitted by using the CTN number issued by the prosecutor or the TCN/OCA submitted by the Livescan agency.

MCL 771.1 Delayed sentence

When the court enters an adjudication of guilt ([EJUD](#)), they must also include in the sentencing remarks, "sentence delayed until (date)". When the probation period is completed, the final disposition must be entered (MJUD).

Paper Dispositions

If you are submitting dispositions electronically, do not submit paper dispositions.

Exceptions:

- A defendant is convicted of more than one count and one of the counts is deferred under a non-public file (7411). Court enters deferred count and any counts that may be dismissed, but will need to send a copy of the convicted (OWI) counts to MSP Criminal Justice Information Center (CJIC) to create the incident and enter the disposition on the criminal history record.
- MC 235- Motion and Order For Return of Fingerprints, Arrest Card, and Description
- MC 228- Order on Application to Set Aside Conviction
- JC 66- Order to Set Aside Adjudication

Non-Public Records

Before being placed in accordance with the following statutes, query the criminal history record by using purpose code C. Any non-public records are accessible only by using the specific purpose code in scan line 52 that is associated with the type of offense.

- MCL 333.7411- Controlled Substance (52:7411)
- MCL 769.4a- Domestic Assault (52:Abuse)
- MCL 750.350a- Parental kidnapping (52:kid)
- MCL 762.11- HYTA (52:HYTA)

If there is a specified non-public record on file for the individual, that single incident record having a matching court disposition is provided for your review.

A “no record” response will be received when there is no matching disposition on file for the defendant.

Additional Non-Public Records

- MCL 750.430-Practicing under the influence
- MCL 600.1076-Drug Treatment Court

Disposition reporting using the Order of Probation, CC 243a and DC 243, and Motion and Order for Discharge from Probation, MC 245, for Drug Treatment Court and Health Care Professional Practicing Under the Influence must be sent manually to MSP for entry on the Criminal History Record until further notice.

Open Case Quarterly Reports

As of November 14th, 2005, State Police has implemented their new reporting of a Criminal History Record. This report has been discontinued until all updated enhancements have been completed.

If no disposition is received by MSP after a period of one year, a report is generated for your jurisdiction.

-If the case has been disposed submit your disposition electronically.

-If your court disposition was stored in pending, it will not appear in the CHR until the arrest fingerprints are on file and the prosecutor has entered the CTN and PACC code.

-The court may do a LEIN inquiry using name and date of birth to locate the SID number to search the CHR to determine the status of their pending disposition.

1. If there is no arrest charge on CHR the fingerprints were never received from the arresting agency.
2. If the arrest is on file but without the charge segment by the prosecutor the court may:
 - A. If the court has the capability they could enter the disposition by using the exact TCN/OCA number from the arresting agency. Use the [CJUD](#) screen to purge pending disposition entered by CTN only.

- B. Note the CTN number of the pending disposition on open case report to the associated TCN/OCA arrest and return to MSP CJIC.

-For any modification of a court disposition please e-mail correction to: CJICCHRCORR@michigan.gov.

-If there are any questions or concerns submitting your court dispositions electronically, please contact Diane Sandborn, Michigan State Police, CJIC at (517) 636-0121, e-mail sandbord@michigan.gov or fax (517) 322-6288.

Set Aside Conviction/Adjudication

When issuing a court date to appear for a hearing regarding a set aside conviction, please allow 90 to 120 days for MSP to respond to the court with a copy of the defendant's criminal history.

Due to the increase of receiving applications, MSP strongly urges the court not to set hearing dates until after the report has been received.

- [Application On Set Aside Conviction \(MCL 750.621\)](#)
[Court form- MC-227](#)
- [Application On Set Aside Adjudication \(MCL 712A.18E\)](#)
[Court form- JC-66](#)

Send a copy of the final order to set aside a conviction on the approved form to MSP and MDOC. The court cannot enter this order electronically.

-Order On [Application To Set Aside Conviction- MC 228](#)

-Order On [Application To Set Aside Ajudication-JC-66](#)

If there are any further questions or concerns regarding these issues, please contact Bobbie Vroman, Michigan State Police, CJIC (517) 322-5256, e-mail at vromanba@michigan.gov , or fax (517) 322-6288.